

time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: December 18, 2008.

**Marilyn R. Abbott,**

Secretary to the Commission.

[FR Doc. E8-30620 Filed 12-23-08; 8:45 am]

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on November 25, 2008, an electronic version of a proposed consent decree was lodged in the United States District Court for the Western District of North Carolina in *State of North Carolina et al. v. El Paso Natural Gas Company, et al.*, No. 5:04 CV 38 (Consolidated Cases). The consent decree settles claims by the State of North Carolina and the United States against El Paso Natural Gas Company under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. 9607, in connection with the FCX Site, a facility approximately 1.5 miles west of downtown Statesville, Iredell County, North Carolina (the "Site").

Under the terms of the proposed consent decree, El Paso will pay the United States \$1.5 million and will pay the State of North Carolina \$110,000 to resolve liability for two operable units at the Site. El Paso will also dismiss with prejudice all counterclaims filed against the United States.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the consent decree.

Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to United States Department of Justice, P.O. Box 7611, Washington, DC 20044-7611. Comments should refer to *State of North Carolina et al. v. El Paso Natural Gas Company, et al.*, No. 5:04 CV 38 (Consolidated Cases) and DOJ # 90-11-3-08264.

During the public comment period, the proposed consent decree may also be examined on the following U.S. Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). The consent decree may be examined at the Office of the United States Attorney for the Western District of North Carolina The Carillon Bldg., 227 West Trade St., Suite 1700, Charlotte, North Carolina.

A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation no. (202) 514-1547. In requesting a copy from the Consent Decree Library, please refer to the referenced case and DOJ Reference Number. During the public comment period, and please enclose a check in the amount of \$6.75 (25 cents per page reproduction cost) payable to the U.S. Treasury, or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Henry Friedman,**

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. E8-30619 Filed 12-23-08; 8:45 am]

BILLING CODE 4410-15-P

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9622, the Department of Justice gives notice that a proposed Consent Decree in *United States v. Regal-Beloit Corporation*, Civil No. 07-50002 (N.D. Ill.), was lodged with the United States District Court for the Northern District of Illinois on December 18, 2008, pertaining to the Evergreen Manor Groundwater

Contamination Superfund Site (the "Site"), located in Roscoe Township, Winnebago County, Illinois. In this action, the United States brought civil claims under Sections 107 and 113(g)(2) of CERCLA, 42 U.S.C. 9607 and 9613(g)(2), against Regal-Beloit Corporation ("Regal-Beloit") for recovery of response costs incurred and to be incurred by the United States at the Site.

Under the proposed Consent Decree, Regal-Beloit would pay \$425,000 of the United States' past response costs, and \$25,000 toward the United States future response costs, at the Site to resolve the United States cost recovery claims. This is the second settlement at this Site. In the first, lodged on May 29, 2008, and pending with the Court (*United States v. Waste Management of Illinois, Inc. et al.*, Civil No. 08-50094 (N.D. Ill.)) ("Waste Management Consent Decree"), three settling parties would implement the remedy selected by the U.S. Environmental Protection Agency ("EPA") in the Record of Decision ("ROD") for the Site, and to pay \$550,000 in partial recovery of the United States' past response costs incurred at the Site as well as EPA's future costs of overseeing the implementation of the remedial action. The instant Consent Decree would not require Regal-Beloit to perform response action at the Site, however, its terms parallel, *inter alia*, the covenant for future liability and reopener provisions of the Waste Management Consent Decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to United States Department of Justice, P.O. Box 7611, Washington, DC 20044-7611, and should refer to *United States v. Regal-Beloit Corporation*, Civil No. 07-50002 (N.D. Ill.), and DOJ Reference No. 90-11-3-08952.

*The proposed Consent Decree may be examined at:* (1) the Office of the United States Attorney for the Northern District of Illinois, Rockford Division, 308 West State Street, Suite 300, Rockford, Illinois 61101 ((815) 987-4444); and (2) the United States Environmental Protection Agency (Region 5), 77 West Jackson Blvd., Chicago, IL 60604-3507 (contact: John C. Matson (312) 886-2243).

During the public comment period, the proposed Consent Decree may also be examined on the following U.S. Department of Justice Web site, <http://>

[www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the proposed Consent Decree may also be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation no. (202) 514-1547. In requesting a copy from the Consent Decree Library, please refer to the referenced case and DOJ Reference Number and enclose a check in the amount of \$8.50 for the Consent Decree (34 pages including appendix, at 25 cents per page reproduction costs), made payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**William D. Brighton,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. E8-30546 Filed 12-23-08; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Amended Consent Decree Under the Clean Air Act

Pursuant to 28 CFR 50.7, notice is hereby given that, on December 17, 2008, a proposed Third Amendment Making Material Modifications to Consent Decree ("Third Consent Decree Amendment") was lodged with the United States District Court for the Northern District of Illinois in *United States, et al. v. Exxon Mobil Corp. and ExxonMobil Oil Corp.*, Case No. 05 C 5809 (N.D. Ill.). In December 2005, the court approved the original Consent Decree in the case, which governs compliance with certain Clean Air Act requirements at six of ExxonMobil's domestic petroleum refineries. Since 2005, the parties have agreed to two minor changes to the Consent Decree, in accordance with the provision of the Decree governing non-material modifications.

The proposed Third Consent Decree Amendment would make several material changes to the Decree, including: (i) extending deadlines for completion of certain air pollution control projects; and (ii) imposing more stringent emission control requirements for two other projects and accelerating the schedule for completion of another project in order to compensate for emissions in the interim period during the deadline extensions.

The Department of Justice will receive comments relating to the Third Consent Decree Amendment for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and mailed either electronically to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or in hard copy to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. Comments should refer to *United States, et al. v. Exxon Mobil Corp. and ExxonMobil Oil Corp.*, Case No. 05 C 5809 (N.D. Ill.) and D.J. Ref. No. 90-5-2-1-07030.

The Third Consent Decree Amendment may be examined at the offices of the United States Attorney, 219 S. Dearborn Street—5th Floor, Chicago, Illinois. During the public comment period, the Third Consent Decree Amendment may also be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Third Consent Decree Amendment may also be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, D.C. 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$10.00 (40 pages at 25 cents per page reproduction cost) payable to the U.S. Treasury.

**Robert D. Brook,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. E8-30529 Filed 12-23-08; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Oil Pollution Act (OPA)

Notice is hereby given that on November 25, 2008, a proposed Consent Decree in the case of *U.S., et al. v. Puget Sound Energy, Inc.*, Civil Action No. 08-5710, was lodged with the United States District Court for the Western District of Washington.

The United States, the State of Washington, the Muckleshoot Indian Tribe and the Puyallup Tribe of Indians filed a complaint concurrently with the Consent Decree alleging that on November 3, 2006, the Crystal Mountain Emergency Generation Facility, an electrical generating facility owned and

operated by Puget Sound Energy, Inc. ("PSE") in Pierce County, Washington, discharged approximately 429 barrels of diesel fuel into waters of the United States or adjoining shorelines. The complaint seeks natural resource damages pursuant to Section 1002(a) of the Oil Pollution Act, 33 U.S.C. § 2702(a). Under the Consent Decree, PSE will pay \$512,856.59 for natural resource damages and \$49,614.47 to reimburse damage assessment costs.

For thirty (30) days after the date of this publication, the Department of Justice will receive comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In either case, the comments should refer to *U.S., et al. v. Puget Sound Energy, Inc.*, D.J. Ref. No. 90-5-1-1-09177/1.

During the comment period, the Consent Decree may be examined on the following Department of Justice Web site: [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$5.00 (25 cents per page reproduction cost) payable to the United States Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Robert E. Maher, Jr.,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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